

United States District Court
Western District of Michigan
Southern Division

Singapore Dunes, L.L.C.,
a Michigan limited liability company,
Plaintiff,

Case No. 1:10 – cv – 00210 – PLM

vs.

Chief Judge Paul L. Maloney

Saugatuck Township,
a Michigan township,
Defendant.

Consent Judgment and Final Order

Introduction

1. Plaintiff Singapore Dunes, L.L.C. (*Singapore Dunes*) initiated this action against Defendant Saugatuck Township (the *Township*) and the individual members of the Township Board, solely in their representative capacities (who have since been dismissed with prejudice), seeking declaratory and injunctive relief, including, among other things, a declaration that the Township's Ordinance Number 2006-02, §§ 19 – 21, known as "R – 4 Lakeshore Open Space Zoned District," is void *ab initio* and unenforceable, and costs and attorney fees as provided by federal and state law.

Jurisdiction

2. This Court has jurisdiction over this matter under 28 U.S.C. § 1331 and 42 U.S.C. § 1983, and supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367.

Factual Basis of the Consent Judgment

Plaintiff's acquisition of the Denison Property

3. Singapore Dunes is the owner of the real property in the Township described and depicted in Exhibit A (*Plaintiff's Property*).

4. Plaintiff's Property includes four parcels that were part of what is commonly known as the Denison Property. The four parcels are identified on Exhibit A as Parcels SD-1, SD-2, SD-3, and SD-4.

5. The Denison Property is located at the northwest corner of the Township, north and south of the Kalamazoo River Channel, which the Army Corps of Engineers dug in the early 1900s to facilitate boat traffic to and from Lake Michigan.

6. Singapore Dunes purchased all right, title and interest in the Denison Property as previously held by the Estate of Franklin Denison and the Gertrude Winslow Denison Trust.¹

7. Singapore Dunes first contracted to buy an interest in the Denison Property in October 2004. At that time, the Denison Property was zoned in various districts, all of which allowed, as of right or by special approval, multi-family housing and various recreational uses consistent with the tourist-based local economy, including golf courses and commercial marinas. The permitted density ranged from 1 house per 30,000 square feet to 1 house per 1½ acres. The zoning districts applicable at that time to Parcels SD-1, -2, -3, and -4 are depicted on Exhibit B.

The adoption of the R-4 Amendment

8. In March 2005 and in May 2005, local community leaders, including one or more representatives of the Township, met with a representative of Singapore Dunes regarding its pending acquisition.

9. Prior to these meetings, the Township had begun considering a new zoning ordinance which would impact significant portions of the Denison Property.

10. On July 11, 2005, the Township Planning Commission held the first session of a public hearing on a draft zoning ordinance amendment for the Denison Property, Ordinance Number 2006 – 02, §§ 19 – 21, known as “R-4 Lakeshore Open Space Zoned District” (the *R-4 Amendment*). A week later, on July 18, 2005, the Township Planning Commission held a second public hearing session on the R-4 Amendment. The public hearing was then closed.

¹ Singapore Dunes subsequently conveyed that portion of the Denison Property lying south of the Kalamazoo River Channel to the Land Conservancy of West Michigan.

11. With respect to the Denison Property, the Township sent notice only to Therrel Baisden PA, One SE Third Ave Ste #2400, Miami, FL 33131; notice was not delivered to Kenelm Denison, who lived in a home on the property.

12. The Township did not deliver notice of the public hearing on the R-4 Amendment to Singapore Dunes.

13. After the public hearing was closed on July 18, 2005, no further public hearing was held on the R-4 Amendment.

14. The Planning Commission thereafter recommended that the Township Board adopt the R-4 Amendment, which was placed on the agenda of the April 5, 2006 and the May 3, 2006 Township Board meetings. At the May 3, 2006 Township Board meeting, representatives of Singapore Dunes requested that the Board convene a new public hearing before the Planning Commission in which Singapore Dunes could participate and be heard.

15. The Township declined to provide a further hearing as requested and adopted the R-4 Amendment, effective May 26, 2006.

16. The R-4 Amendment changed the zoning districts for SD-1, -2, -3, and -4 from their prior classifications to the new R-4 zoning district.

The area-based exemptions in the R-4 Amendment

17. Following the public hearing, the draft R-4 Amendment under consideration and as later adopted was amended to include an exemption from certain of its provisions as to existing parcels of 12 acres or less. The effect of that area-based exemption is that all other parcels in the R-4 zoning district, except the parcels that make up the Denison Property and a parcel known as Tallmadge Woods, are exempted from the provisions of the R-4 Amendment relating to density and obtaining a building permit solely as part of a Planned Unit Development.

18. Each of the parcels constituting the Denison Property is larger than 12 acres. The only other parcel larger than 12 acres in the R-4 Zoning District is a parcel known as Tallmadge Woods, which was conveyed in 1930 to the Ox-Bow School of Art under a restrictive covenant that prohibits development of the land and mandates transfer of the ownership of the land to the City of Saugatuck for use as a public park if and when the art school ceases operations. Tallmadge Woods is currently owned by the City of Saugatuck and is under a permanent conservation easement. Nothing in the record of the Township's proceedings relating to the R-4 Amendment establishes that either the Planning Commission or the Township Board was aware of the restrictions on the Tallmadge Woods parcel until after the R-4 Amendment was adopted.

19. Because of the exemption for existing parcels of 12 acres and less, the permitted density for the exempt parcels is 1 house per 1½ acres; but for the Denison Property the permitted density is 1 house per 5 acres.

20. Because of the exemption for existing parcels of 12 acres and less, owners of the exempt parcels may obtain building permits as of right; but for the owner of the Denison Property, no building permit for any use is available as of right. A building permit for the construction of even a single house anywhere on the Denison Property can be obtained, only at the discretion of the Planning Commission as part of an application for a Planned Unit Development.

21. Except for the size of the parcels, the exempted parcels have similar physical characteristics to the parcels that make up the Denison Property (undeveloped sand dunes near Lake Michigan).

Payments by the Saugatuck Dunes Coastal Alliance

22. Following adoption of the R-4 Amendment, various persons and entities sought to persuade the Township to use its permitting and zoning authority to effectively bar or at least strictly regulate construction of roads, other infrastructure, and homes on the Denison Property.

23. At various times in December 2007, members of the Township Board met at separate times privately with representatives of an alliance of organizations known as the Saugatuck Dunes Coastal Alliance (the SDCA), which was organized to preserve and protect the Denison Property.

24. The SDCA indicated as much as \$90,000 could be made available to the Township for the Board's use to defray the cost of zoning-related litigation.

25. The Township received an immediate payment of \$5,000, and then received as much as \$30,000 in additional installments from the SDCA over the next 24 months.

26. The pledge and these payments were made and received by the Township without any specific discussion at an open meeting duly noticed in accordance with Michigan's Open Meetings Act, Mich. Comp. Laws § 15.261 *et seq.*, without a Township Board determination that the payments were for a proper public purpose, and without a public vote of the Township Board.

Abandonment of Dugout Road

27. Plaintiff's Property has at all relevant times had two motor vehicle access points from public streets, including access from Dugout Road, a public street. Dugout Road has fallen into a state of disrepair.

28. Due to an ongoing danger to the travelling public, as well as excessive costs to maintain and repair Dugout Road, the Allegan County Road Commission has advised the Township that it intends to consider abandonment of that portion of Dugout Road traversing Plaintiff's Property. Whether or not Dugout Road is abandoned, its use to access Plaintiff's Property by motor vehicles is essentially lost.

29. The Township lacks the resources to adequately repair and maintain Dugout Road for vehicular access. Thus, the disrepair of Dugout Road is a hardship on Plaintiff and a burden on Plaintiff's Property.

The Parties' Settlement Agreement

30. To avoid the burden, expense, and uncertainty of further litigation, after consultation with their respective legal counsel and extensive negotiations, the parties have agreed to compromise their respective positions and to fully and finally resolve their dispute on the terms and conditions set forth in the Settlement and Release Agreement among the parties (the *Settlement Agreement*) effective as of the date of this Consent Judgment and Final Order (*Consent Judgment*); and the parties have stipulated to the entry of this Consent Judgment.

31. The Township has the legal power and authority to execute and deliver the Settlement Agreement, and has determined that the terms and conditions of the Settlement Agreement and the Consent Judgment are fair, adequate, reasonable; and that they are otherwise in the interest of the public health, safety, and general welfare.

32. Singapore Dunes has the legal power and authority to execute and deliver the Settlement Agreement and to stipulate to the entry of this Consent Judgment. Singapore Dunes has determined that the terms of the Settlement Agreement and the Consent Judgment are fair, adequate and reasonable.

33. The Court has reviewed the written submissions made by the parties and the arguments of counsel, and finds that the Consent Judgment is fair, adequate, and reasonable and consistent with the public interest. Accordingly, it is hereby AGREED, ORDERED, and ADJUDGED as follows:

Terms of Consent Judgment

1. The Township, including its officers, trustees, employees, agents, boards, commissions, successors, and assigns, are hereby permanently enjoined from enforcing Township Ordinance Number 2006-02, §§ 19 – 21, known as “R-4 Lakeshore Open Space Zoned District” as to Parcels SD-1, SD-2, SD-3, and SD-4 of Plaintiff’s Property. Parcels SD-1, SD-2, SD-3 and SD-4 shall be subject to the regulations of the zoning districts in which they were placed before the adoption of Township Ordinance Number 2006-02.

2. The Township, including its officers, trustees, employees, agents, boards, commissions, successors, and assigns, are further hereby permanently enjoined from discriminating against Plaintiff’s Property by —

a) treating Plaintiff’s Property differently than similarly-situated properties within the Township without a rational basis for doing so;

b) accepting any gifts offered to the Township that relate to Plaintiff or Plaintiff’s Property, unless accepted after a determination is made at an open meeting, duly noticed under the Michigan Open Meetings Act, Mich. Comp. Laws § 15.261 *et seq.*, that the gift is for a proper public purpose;

c) requiring, under Sec. 40-658(e) of the Township Zoning Ordinance, two means of access to Plaintiff’s Property from an adjacent public street, provided that Plaintiff otherwise implements alternative safety requirements, as reasonably imposed by the Township, such as a standpipe system or the equivalent for emergency water needs, the use of sprinkler systems in any non-residential buildings and any buildings containing more than four dwelling units, the designation of a space along the Kalamazoo River adjacent to Plaintiff’s Property for the exclusive use of a fireboat, and the designation of an emergency landing area for helicopters.

3. This Consent Judgment inures to the benefit of, and may be enforced by, any successor(s) and assign(s) of Singapore Dunes.

4. Except as expressly set forth above in the Factual Basis of the Consent Judgment, this Consent Judgment shall not be construed as an admission of any factual allegation in the complaint, as amended. Neither is this Consent Judgment an admission of liability.

5. This Consent Judgment fully adjudicates all of the claims and causes of action in this matter, including those pleaded and which could have been pleaded, and constitutes the final order of the Court. This Consent Judgment may be amended only by agreement of the parties and approval by the Court. Each party shall bear its own costs, and there is no award of attorney fees pursuant to 42 U.S.C. § 1988.

Exhibits to Consent Judgment

Exhibit A – Legal Description of Plaintiff's Property

Exhibit B – Zoning Classifications of SD-1, SD-2, SD-3, and SD-4 prior to the R-4 Amendment

(signatures are on the following page)

Signature Page to Consent Judgment and Final Order

Dated: June 11, 2012

/s/ Paul L. Maloney

Hon. Paul L. Maloney, Chief Judge

Approved for Entry:

Approved for Entry:

/s/James R. Bruinsma

James R. Bruinsma (P48531)
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Dated: March 30, 2012

Dated: March 30, 2012

/s/Timothy J. Patenode

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(616) 842-3030

Dated: March 30, 2012

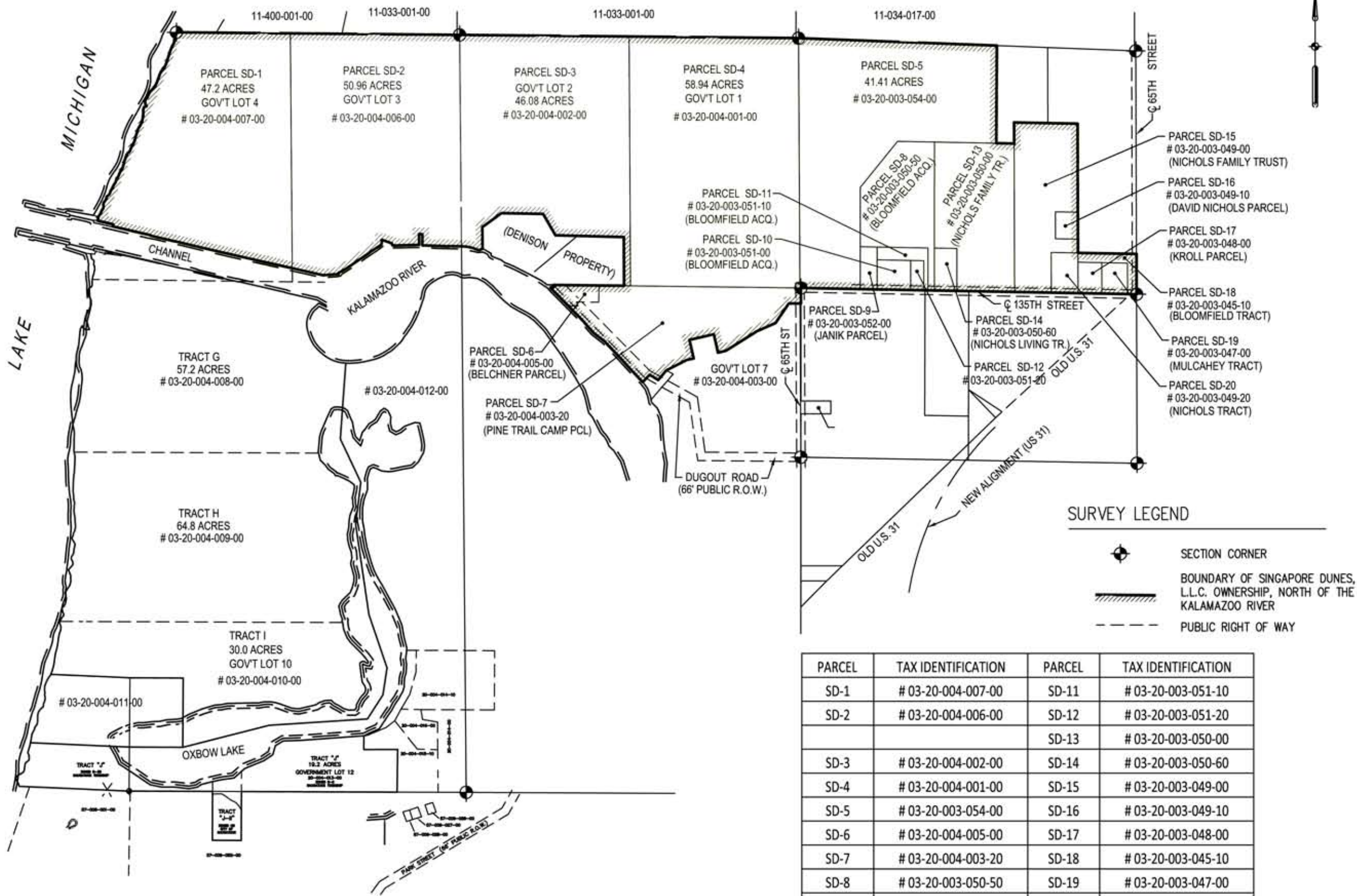
Dated: March 30, 2012

Exhibit A to Consent Judgment and Final Order

Description of Plaintiff's Property

Exhibit A to Consent Judgment in Singapore Dunes, L.L.C. vs. Saugatuck Township, USDC - WD Michigan, Case No. 1:10-CV-210

PART OF SECTIONS 3 & 4, T3N, R16W, SAUGATUCK TOWNSHIP
ALLEGAN COUNTY, MICHIGAN



SINGAPORE DUNES, L.L.C.

EXHIBIT A TO CONSENT
JUDGEMENT IN SINGAPORE
DUNES, L.L.C. VS. SAUGATUCK
TOWNSHIP, USDC - WD
MICHIGAN, CASE NO.
1:10-CV-210.

Owner:
SINGAPORE DUNES, L.L.C.

JJR landscape architecture
planning
urban design
civil engineering
environmental science
JJR, LLC
110 MILLER AVENUE
ANN ARBOR, MI 48104
734.662.4457 T
734.662.0779 F
www.jjr-us.com

ISSUED FOR	DATE
CLIENT REVIEW	5/17/2011
CLIENT COMMENTS	5/24/2011
CLIENT COMMENTS	5/26/2011
CLIENT COMMENTS	7/5/2011
CLIENT COMMENTS	7/13/2011
DENISON PCL EXCL.	7/18/2011

DRAWING TITLE
EXHIBIT A

ISSUE DATE
05/17/2011

SCALE
SCALE 1"=800'

PROJECT NUMBER
24730.000

DRAWING NUMBER
VP-101

SD-1

TAX ID# 03-20-004-007-00

Government Survey Lot numbered 4 in Section 4, T. 3 N., R. 16 W. of the Michigan Meridian (according to the United States Government Survey);

EXCEPTING the strip of land for the Kalamazoo River as deeded to the United States of America in Liber 148, Page 517; also

ALSO EXCEPTING that portion of Government Survey Lot numbered 4 in Section 4, T.3 N, R. 16 W of the Michigan Meridian, (according to the United States Government Survey), lying Southerly of the Kalamazoo River, as relocated.

SD-2

TAX ID# 03-20-004-006-00

Government Survey Lot numbered 3 in Section 4, T. 3 N., R. 16 W. of the Michigan Meridian (according to United States Government Survey)

SD-3

TAX ID# 03-20-004-002-00

Government Survey Lot numbered 2 in Section 4, Town 3 North, Range 16 West of the Michigan Meridian (according to United States Government Survey).

EXCEPTING THEREFROM: Commencing at the Northeast corner of said Section 4; thence South 00 degrees 19 minutes 13 seconds East 1946.15 feet along the East Line of said Section 4; thence North 89 degrees 19 minutes 39 seconds West 1369.76 feet to the point of beginning; thence continuing North 89 degrees 19 minutes 39 seconds West 491.15 feet to reference point "A"; thence continuing North 89 degrees 19 minutes 39 seconds West 110 feet, more or less to the waters edge of the Kalamazoo River; thence Northwesterly 580 feet, more or less along said Kalamazoo River to a point South 00 degrees 01 minute 05 seconds East from from reference point "B" (reference point "B" being North 63 degrees 01 minute 56 seconds West 688.11 feet from reference point "A"); thence North 00 degrees 01 minute 05 seconds West 30 feet, more or less to reference point "B"; thence continuing North 00 degrees 01 minute 05 seconds West 139.29 feet; thence North 53 degrees 47 minutes 18 seconds East 184.47 feet; thence South 89 degrees 19 minutes 44 seconds East 324.83 feet; thence South 29 degrees 51 minutes 27 seconds East 192.94 feet; thence South 88 degrees 28 minutes 44 seconds East 532.80 feet; thence South 00 degrees 19 minutes 13 seconds East 380.81 feet to the point of beginning.

SD-4

TAX ID# 03-20-004-001-00

Government Survey Lot numbered 1 in Section 4 of T. 3 N., R. 16 W. of the Michigan Meridian (according to United States Government Survey).

SD-5

TAX ID# 03-20-003-054-00

The piece and parcel of land known and described as commencing at the Northwest corner of Section 3, T. 3 N., R. 16 W. of the Michigan Meridian; thence South along the West line of said Section 3 to the South line of the North 1/2 of the Northwest 1/4 of said Section 3; thence East along said mentioned South line 7 chains; thence North on a line parallel to the West line of said Section 3 a distance of 12 chains; thence North 39° East 7 chains; thence East on a line parallel to the said last mentioned South line 12 chains;

thence North to the North line of said Section 3; thence West along the said North line of Section 3 to the place of beginning.

Tract "A" - More particularly described as follows:

Beginning at the Northwest corner of Section 3, T. 3 N., R. 16 W., Saugatuck Township, Allegan County, Michigan; thence South 87°-50'-37" East along the North line of said Section 3, 1545.87 feet; thence South 01°- 25'- 30" East, 756.24 feet; thence North 88°- 51'- 34" West, 792.07 feet; thence South 39°- 13'- 43" West, 460.19 feet; thence South 01°- 21'- 31" East, 800.63 feet to the South line of the North fractional 1/2 of the Northwest fractional 1/4 of said Section; thence North 88°- 55'- 43" West along said South line, 488.83 feet to the West line of said Section; thence North 00°- 19'- 14" West thereon, 1,946.17 feet to the place of beginning, containing 41.41 Acres.

SD-6
BELCHNER ALTA
TAX ID# 03-20-004-005-00

LEGAL DESCRIPTION:

The land referred to in this Commitment, situated in the County of Allegan, Township of Saugatuck, State of Michigan, is described as follows:

Part of Government Lot 7 in Section 4, Town 3 North, Range 16 West, described as follows: Beginning on the North line of said Government Lot 7 at a point 1566 feet West of the Northeast corner thereof; thence South 125 feet; thence West to the Kalamazoo River; thence Northwesterly along same to said North line of Lot 7; thence East to beginning.

Also commencing at the Northeast corner of said Government Lot 7; thence West on the North line of Government Lot 7 a distance of 1885.3 feet; thence South 45 degrees 10 minutes East 176.26 feet to the place of beginning of this description; thence East 46.80 feet; thence South 45 degrees 10 minutes East 28.37 feet; thence West 122.6 feet to the Kalamazoo River; thence North 45 degrees 10 minutes West along the River 28.37 feet; thence East 75.8 feet to the place of beginning.

MORE PARTICULARLY DESCRIBED BY SURVEY:

Commencing at the East 1/4 Corner, Section 4, T3N, R16W, Saugatuck Township, Allegan County, Michigan; thence along the East line of monumented Section 4 and Centerline of 66th Street N00°00'16"E 1319.28 feet to a point on the common line separating Government Lots 1 and 7, said point also on the North line of the South 1/2 of the North 1/2 of fractional Section 4, lying East of the Kalamazoo River; thence along the common line separating Government Lots 1 and 7 and the North line of the South 1/2 of the North 1/2 of fractional Section 4, lying East of the Kalamazoo River, N89°19'39"W 1327.51 feet; thence continuing along the common line separating Government Lots 2 and 7 and the North line of the South 1/2 of the North 1/2 of fractional Section 4, lying East of the Kalamazoo River, N89°19'06"W 238.88 feet to the POINT OF BEGINNING; thence S00°02'46"E 124.96 feet; thence N89°21'27"W 148.46 feet; thence S44°19'11"E 27.31 feet; thence N89°19'39"W 83.57 feet to intermediate traverse point B; thence continuing N89°19'39"W 16 feet more or less to the edge of the Kalamazoo River; thence Northerly along the historic edge of the Kalamazoo River 214 feet more or less to a point intersecting said historic edge of the Kalamazoo River and the common line separating Government Lots 2 and 7 and the North line of the

South 1/2 of the North 1/2 of fractional Section 4 lying East of the Kalamazoo River; thence S89°19'06"E 24 feet more or less along the common line separating Government Lots 2 and 7 and the North line of the South 1/2 of the North 1/2 of fractional Section 4 lying East of the Kalamazoo River to intermediate traverse point C, said point bearing N45°52'59"W 209.98 feet from intermediate traverse point B; thence continuing from intermediate traverse point C, along the common line separating Government Lots 2 and 7 and the North line of the South 1/2 of the North 1/2 of fractional Section 4 lying East of the Kalamazoo River, S89°19'06"E 363.58 feet to the Point of Beginning, being a part of the South 1/2 of the North 1/2 of fractional Section 4 lying East of the Kalamazoo River, T3N, R16W, Saugatuck Township, Allegan County, Michigan, and a portion of Government Lot 7 lying East of the Kalamazoo River, containing 1.01 Acres of land (0.72 Acres Net) more or less, subject to the rights of the public over that portion as occupied by Dugout Road (a.k.a. Singapore Road), together with riparian rights as provided by law.

SD-7
NORTHERLY PORTION OF THE PINE TRAIL CAMP
TAX ID# 03-20-004-003-20

LEGAL DESCRIPTION:

The land referred to in this Commitment, situated in the County of Allegan, Township of Saugatuck, State of Michigan, described as follows:

Part of Government Lot 7, in Section 4, Town 3 North, Range 16 West described as follows: Commencing at the East Quarter corner of said Section 4; thence along the East Eighth line of said Section as monumented and the centerline of 66th Street, North 00 degrees 23 minutes 35 seconds West 1197.87 feet to the point of beginning; thence South 89 degrees 36 minutes 25 seconds West 94.15 feet; thence South 33 degrees 58 minutes 01 second West 185.06 feet; thence South 65 degrees 57 minutes 18 seconds West 156.71 feet; thence South 57 degrees 22 minutes 48 seconds West 286.42 feet; thence South 75 degrees 55 minutes 25 seconds West 63.08 feet; thence North 13 degrees 14 minutes 07 seconds West 147.04 feet; thence South 76 degrees 45 minutes 53 seconds West 195.31 feet; thence South 13 degrees 14 minutes 07 seconds East 148.40 feet; thence South 76 degrees 45 minutes 53 seconds West 55.48 feet; thence South 63 degrees 38 minutes 19 seconds West 173.52 feet; thence South 40 degrees 59 minutes 11 seconds West 100.00 feet; thence North 61 degrees 15 minutes 49 seconds West 78.33 feet; thence South 40 degrees 59 minutes 11 seconds West 47.63 feet to intermediate traverse point A; thence continuing South 40 degrees 59 minutes 11 seconds West approximately 32 feet to the edge of the Kalamazoo River; thence Northerly along the edge of said Kalamazoo River approximately 820 feet; thence South 89 degrees 42 minutes 40 seconds East approximately 50 feet to intermediate traverse point B, said point bearing North 44 degrees 24 minutes 58 seconds West 816.20 feet from intermediate traverse point A; thence continuing from intermediate traverse point B South 89 degrees 42 minutes 40 seconds East 83.57 feet; thence North 44 degrees 42 minutes 12 seconds West 27.31 feet; thence South 89 degrees 44 minutes 28 seconds East 148.46 feet; thence North 00 degrees 25 minutes 47 seconds West 124.92 feet to a point on the North line of the South Half of the North Half of said Section 4 and the North line of said Government Lot 7, lying East of the Kalamazoo River as previously surveyed; thence South 89 degrees 42 minutes 40 seconds East 1566.41 feet to the East Eighth corner as monumented; thence along the East Eighth line as monumented and the centerline of 66th Street South 00 degrees 23 minutes 35 seconds East 121.04 feet to the point of beginning.

MORE PARTICULARLY DESCRIBED BY SURVEY:

Commencing at the East 1/4 Corner, Section 4, T3N, R16W, Saugatuck Township, Allegan County, Michigan; thence along the East line of monumented Section 4 and Centerline of 66 th Street N00°00'16"E 1198.24 feet to the POINT OF BEGINNING; thence S89°59'26"W 94.15 feet; thence S34°21'02"W 185.06 feet; thence S66°20'19"W 156.71 feet; thence S57°45'49"W 286.42 feet; thence S76°18'26"W 63.08 feet; thence N12°51'06"W 147.04 feet; thence S77°08'54"W 195.31 feet; thence S12°51'06"E 148.40 feet; thence S77°08'54"W 55.48 feet; thence S64°01'20"W 173.52 feet; thence S41°22'12"W 100.00 feet; thence N60°52'48"W 78.33 feet; thence S41°22'12"W 47.63 feet to intermediate traverse point A; thence continuing S41°22'12"W 7 feet more or less to the edge of the Kalamazoo River; thence along the edge of the Kalamazoo River 850 feet more or less; thence S89°19'39"E 16 feet more or less to intermediate traverse point B, said point bearing N44°01'57"W 816.20 feet from intermediate traverse point A; thence continuing from intermediate traverse point B S89°19'39"E 83.57 feet; thence N44°19'11"W 27.31 feet; thence S89°21'27"E 148.46 feet; thence N00°02'46"W 124.96 feet to a point on the common line separating Government Lots 2 and 7, said point also on the North line of the South 1/2 of the North 1/2 of fractional Section 4, lying East of the Kalamazoo River; thence along the common line separating Government Lots 2 and 7 and the North line of the South 1/2 of the North 1/2 of fractional Section 4, lying East of the Kalamazoo River S89°19'06"E 238.88 feet; thence continuing along the common line separating Government Lots 1 and 7, and the North line of the South 1/2 of the North 1/2 of fractional Section 4 lying East of the Kalamazoo River S89°19'39"E 1327.51 feet to a point on the East line of monumented Section 4; thence along the East line of monumented Section 4 and Centerline of 66th Street, said line also being the East line of Government Lot 7, S00°00'16"W 121.04 feet to the Point of Beginning, being a part of the South 1/2 of the North 1/2 of fractional Section 4 lying East of the Kalamazoo River, T3N, R16W, Saugatuck Township, Allegan County, Michigan, and a portion of Government Lot 7 lying East of the Kalamazoo River, containing 17.63 Acres of land (16.31 Acres Net) more or less, subject to the rights of the public over that portion as occupied by 66th Street and Dugout Road (a.k.a. Singapore Road), together with riparian rights as provided by law.

SD-8
BLOOMFIELD ACQUISITIONS
TAX ID# 03-20-003-050-50

The land referred to is situated in the County of Allegan, Township of Saugatuck, State of Michigan, is described as follows:

Part of the Northwest fractional Quarter of Section 3, Town 3 North, Range 16 West described as: Beginning at a point on the East and West Eight line 990.0 feet East of the West Eight post of the Northwest fractional Quarter of said Section 3; thence North 330 feet; thence West 528 feet; thence North 462 feet; thence North 39 degrees East 462 feet; thence East 287.25 feet; thence South 1151.04 feet to the East and West Eight line of the Northwest fractional Quarter of said Section; thence West on said Eight line 50 feet to the place of beginning; including all improvements, easements, rights of way, licenses, privileges, hereditaments, appurtenances, abutter's rights, land underlying roadways adjacent to such land and all other rights related to such land.

SD-9
JANIK
TAXID# 03-20-003-052-00

LEGAL DESCRIPTION:

SINGAPORE DUNES, L.L.C.

The West 132 feet of the following described lands: A parcel of 5 Acres beginning on the South line of the North 1/2 of the Northwest 1/4 of Section 3, Town 3 North, Range 16 West 462 feet East of the West line of said Section; thence North 330 feet, thence East 660 feet, thence South to the South line of the North 1/2 of said Northwest 1/4, thence West to the point of beginning.

MORE PARTICULARLY DESCRIBED BY SURVEY:

Part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T. 3 N, R. 16 W described as: Commencing at the West 1/4 Corner of said Section 3; thence along the West line of said Section 3 (as previously surveyed), N00°00'16"E 1318.87 feet to the monumented West 1/8 corner of said Section 3; thence continuing along said monumented West line, N00°00'16"E 0.41 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of Section 3; thence along said South line and centerline of 135th Avenue, S88°55'43"E 462.00 feet to the POINT OF BEGINNING; thence N00°00'16"E 330.00 feet; thence S88°55'43"E 132.00 feet; thence S00°00'16"W 330.00 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 3 and centerline of 135th Avenue; thence along said South line and centerline, N88°55'43"W 132.00 feet to the Point of Beginning.

SD-10
BLOOMFIELD ACQUISITIONS
TAX ID# 03-20-003-051-00

Land situated in the Township of Saugatuck, County of Allegan, State of Michigan, is described as follows:

The land referred to is in the County of Allegan, Township of Saugatuck, State of Michigan and is described as:

The East 396 feet of the West 990 feet of the South 330 feet of the North Half of the Northwest Quarter of Section 3, Town 3 North, Range 16 West; including all improvements, easements, rights of way, licenses, privileges, hereditaments, appurtenances, abutter's rights, land underlying roadways adjacent to such land and all other rights related to such land

EXCEPTING THEREFROM commencing at the West Quarter corner of said Section 3; thence North 01 degree 03 minutes 52 seconds West 1318.77 feet along the West line of said Section 3; thence East 957.00 feet along the South line of the North Half of the Northwest Quarter of said Section 3, to the point of beginning of the land herein described; thence North 01 degree 03 minutes 52 seconds West 230.00 feet; thence West 363.00 feet; thence North 01 degree 03 minutes 52 seconds West 100.00 feet; thence East 396.00 feet; thence South 01 degree 03 minutes 52 seconds East 330.00 feet; thence West 33.00 feet to the point of beginning;

ALSO EXCEPTING THEREFROM commencing at the West Quarter corner of said Section; thence North 01 degree 03 minutes 34 seconds West 1318.89 feet along the West line of said Section; thence North 90 degrees 00 minutes 00 seconds East 855.00 feet along the South line of the North Half of the Northwest Quarter of said Section to the point of beginning of the land herein described; thence North 01 degree 03 minutes 34 seconds West 230.00 feet; thence North 90 degrees 00 minutes 00 seconds East 102.00 feet; thence South 01 degree 03 minutes 34 seconds East 230.00 feet; thence South 90 degrees 00 minutes 00 seconds West 102.00 feet along the South line of the North Half of the Northwest Quarter of said Section to the point of beginning;

SD-11
BLOOMFIELD ACQUISITIONS
TAX ID# 03-20-003-051-10

Commencing at the West Quarter corner of said Section 3; thence North 01 degree 03 minutes 52 seconds West 1318.77 feet along the West line of said Section 3; thence East 957.00 feet along the South line of the North Half of the Northwest Quarter of said Section 3, to the point of beginning of the land herein described; thence North 01 degree 03 minutes 52 seconds West 230.00 feet; thence West 363.00 feet; thence North 01 degree 03 minutes 52 seconds West 100.00 feet; thence East 396.00 feet; thence South 01 degree 03 minutes 52 seconds East 330.00 feet; thence West 33.00 feet to the point of beginning;

SD-12
BLOOMFIELD ACQUISITIONS
TAX ID# 03-20-003-051-20

Land situated in the Township of Saugatuck, County of Allegan, State of Michigan, described as follows:

The land referred to is situated in the County of Allegan, Township of Saugatuck, State of Michigan and is described as:

Part of the Northwest Quarter of Section 3, Town 3 North, Range 16 West described as; Commencing at the West Quarter corner of said Section; thence North 01 degree 03 minutes 34 seconds West 1318.89 feet along the West line of said Section; thence North 90 degrees 00 minutes 00 seconds East 855.00 feet along the South line of the North Half of the Northwest Quarter of said Section to the point of beginning of the land herein described; thence North 01 degree 03 minutes 34 seconds West 230.00 feet; thence North 90 degrees 00 minutes 00 seconds East 102.00 feet; thence South 01 degree 03 minutes 34 seconds East 230.00 feet; thence South 90 degrees 00 minutes 00 seconds West 102.00 feet along the South line of the North Half of the Northwest Quarter of said Section to the point of beginning; including all improvements, easements, rights of way, licenses, privileges, hereditaments, appurtenances, abutter's rights, land underlying roadways adjacent to such land and all other rights related to such land

SD-13, SD-15, and SD-20
NICHOLS FAMILY TRUST
TAX ID# 03-20-003-050-00, TAX ID# 03-20-003-049-00, TAX ID# 03-20-003-049-20

HISTORIC LEGAL DESCRIPTION

The following legal description was obtained from Metropolitan Title Company, a division of First American Title Company, 275 Hoover Boulevard, Holland, Michigan, Commitment No. 273989, dated September 21, 2007.

Part of the Northwest fractional Quarter of Section 3, Town 3 North, Range 16 West described as: Beginning at a point on the South line of the North half of the Northwest Quarter of said Section, 6.90 Chains West of the Quarter line; thence North 80 rods; thence West 30 rods; thence South 80 rods to the South line of said North half; thence East along said South line 30 rods to the place of beginning.

SINGAPORE DUNES, L.L.C.

Excepting therefrom Commencing at the Southeast corner of the North Half of said Northwest fractional Quarter; thence West on the East and West Eighth line 455.40 feet; thence North 01 degree 14 minutes 40 seconds West parallel with the North and South Quarter line 420.00 feet to the place of beginning of this description; thence continuing North 01 degree 14 minutes 40 seconds West 210.00 feet; thence West 175.00 feet; thence South 01 degree 14 minutes 40 Seconds East 210.00 feet; thence East 175.00 feet to the place of beginning.

Also The North Half of the Northwest fractional Quarter of Section 3, Township 3 North, Range 16 West.

Excepting therefrom the East 686.4 feet

Also excepting therefrom the South 1320 feet of the West 264 feet of the East 950.4 feet.

Also excepting therefrom Commencing at the Northwest corner of said Section; thence South along the West line of said Section to the South line of the North Half of the Northwest fractional Quarter; thence East along said line 462 feet; thence North 792 feet; thence North 39 degrees East 462 feet; thence East 792 feet; thence North to the North line of said Section; thence West to the place of beginning.

Also excepting therefrom Beginning on the South line of the North Half of the Northwest Quarter of said Section 3, 462 feet East of the West line of said Section; thence North 330 feet; thence East 528 feet; thence South to the.

South line of the North Half of said Northwest fractional Quarter; thence West to the place of beginning.

Also excepting therefrom Beginning at a point on the East and West Eighth line 990.0 feet East of the West Eighth post of the Northwest fractional Quarter of said Section; thence North 330 feet; thence West 528 feet; thence North 462 feet; thence North 39 degrees East 462 feet; thence East 287.25 feet; thence South 1151.04 feet to the East and West Eighth line of the Northwest fractional Quarter of said Section; thence West on said Eighth line 50 feet to the place of beginning.

Also excepting therefrom Commencing at the Southwest corner of the North Half of the Northwest fractional Quarter of said Section; thence East 462 feet; thence North 792 feet; thence North 39 degrees East 462 feet; thence East 792 feet to the place of beginning; thence North 713.87 feet to the North line of said Section; thence North 88 degrees 20 minutes East 355.04 feet; thence South 556.07 feet; thence West 264.03 feet; thence South 163.96 feet; thence South 89 degrees 07 minutes West 102.06 feet to the place of beginning.

MORE PARTICULARLY DESCRIBED BY SURVEY:

Part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T. 3 N, R. 16 W described as:
Commencing at the West 1/4 Corner of said Section 3; thence along the West line of said Section 3 (as previously surveyed) and centerline of 66th Street, N00°00'16"E 1318.87 feet to the West 1/8 corner of said Section 3 (as previously surveyed); thence continuing along said West line, N00°00'16"E 0.41 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 3; thence along said South line and centerline of 135th Avenue, S88°55'43"E 1215.01 feet to the POINT OF BEGINNING; thence N00°00'16"E 330.00 feet; thence N88°55'43"W 175.00 feet; thence N00°00'16"E 826.48 feet; thence S88°55'43"E 620.80 feet; thence N00°10'45"W 163.45 feet; thence S88°55'43"E 495.00 feet; thence S00°10'45"E 689.60 feet; thence N88°55'43"W 175.00 feet; thence S00°10'45"E 210.00 feet;

SINGAPORE DUNES, L.L.C.

thence S8°55'43"E 175.00 feet; thence S00°10'45"E 420.40 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 3 and centerline of 135th Avenue; thence along said South line and centerline, N88°55'43"W 944.51 feet to the Point of Beginning, being part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan, containing 29.35 Acres of land (28.64 Acres Net), more or less, being subject to the rights of the public over that portion occupied by 135th Avenue, and subject to easements and restrictions.

SUBJECT TO THE RIGHTS OF THAT PORTION COVERED IN EASEMENT, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1239, PAGE 01, AND CONSENT JUDGEMENT, AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 764, PAGE 390.

SD-14
NICHOLS LIVING TRUST
TAX ID# 03-20-003-050-60

HISTORIC LEGAL DESCRIPTION

The following legal description was obtained from Metropolitan Title Company, a division of First American Title Company, 275 Hoover Boulevard, Holland, Michigan, Commitment No. 273997, dated September 21, 2007.

Part of the Northwest fractional Quarter of Section 3, Town 3 North, Range 16 West, described as follows: Beginning at a point on the East and West Eighth line of said Northwest fractional Quarter 1040.0 feet East of the West Eighth post; thence North 330.0 feet; thence East 175.0 feet; thence South 330.0 feet; thence West 175.0 feet to the place of beginning.

Together with a non-exclusive easement for ingress and egress as created, limited and defined in Easement recorded in Liber 1055, page 85.

MORE PARTICULARLY DESCRIBED BY SURVEY:

Commencing at the West 1/4 Corner, Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan; thence along the West line of said Section 3 (as previously surveyed), N00°00'16"E 1318.87 feet to the monumented West 1/8 corner of said Section 3; thence continuing along said monumented West line, N00°00'16"E 0.41 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of Section 3; thence along said South line and centerline of 135th Avenue, S88°55'43"E 1040.01 feet to the POINT OF BEGINNING; thence N0°00'16"E 330.00 feet; thence S88°55'43"E 175.00; thence S00°00'16"W 330.00 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 3 and centerline of 135th Avenue; thence along said South line and centerline, N88°55' 43"W 175.00 feet to the Point of Beginning, being a part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan, containing 1.32 Acres of land (1.19 Acres Net), more or less, subject to the rights of the public over that portion occupied by 135th Avenue, also subject to easements and restrictions.

SD-16
DAVID NICHOLS PARCEL
TAX ID# 03-20-003-049-10

SINGAPORE DUNES, L.L.C.

HISTORIC LEGAL DESCRIPTION

The following legal description was obtained from Metropolitan Title Company, a division of First American Title Company, 275 Hoover Boulevard, Holland, Michigan, Commitment No. 273983, dated September 21, 2007.

Part of the Northwest fractional Quarter of Section 3, Town 3 North, Range 16 West, described as follows: Commencing at the Southeast corner of the North Half of said Northwest fractional Quarter; thence West on the East and West Eighth line 455.40 feet; thence North 01 degree 14 minutes 40 seconds West parallel with the North and South Quarter line 420.00 feet to the place of beginning of this description; thence continuing North 01 degree 14 minutes 40 seconds West 210.00 feet; thence West 175.00 feet; thence South 01 degrees 14 minutes 40 Seconds East 175.00 feet to the place of beginning.

Together with a non-exclusive easement for ingress and egress over a strip of land described as: Beginning on the South line of the above described parcel of land at a point 10.0 feet East of the Southwest corner of the parcel; thence East 30.0 feet; thence South 01 degree 14 minutes 40 seconds East 420.0 feet; thence West 30.0 feet; thence North 01 degree 14 minutes 40 seconds West 420.0 feet to the place of beginning.

DESCRIBED MORE PARTICULARLY BY SURVEY:

Commencing at the West 1/4 Corner, Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan; thence along the West line of said Section 3 (as previously surveyed), N00°00'16"E 1318.87 feet to the monumented West 1/8 corner of said Section 3; thence continuing along said monumented West line, N00°00'16"E 0.41 feet to a point on the South line of the North 1/2 of the Northwest fractional Quarter of Section 3; thence along said South line, S88°55'43"E 2159.52 feet to a point being distant 455.40 feet from the Southeast corner of the North 1/2 of the Northwest fractional 1/4 of said Section 3; thence N00°10'45"W 420.00 feet to the POINT OF BEGINNING; thence N88°55' 43"W 175.00 feet; thence N00°10'45"W 210.00 feet; thence S88°55'43"E 175.00 feet; thence S00°10'45"E 210.00 feet to the Point of Beginning, being a part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan, containing 0.84 Acres of land, more or less, including an easement for ingress and egress as recorded in Liber 1239, Page 501, Allegan County Records, also subject to easements and restrictions.

SD-17
KROLL PARCEL
TAX ID# 03-20-003-048-00

LEGAL DESCRIPTION

The West 185 feet of the South 231.5 feet of the East 455.4 feet of the North Half of the Northwest Quarter of Section 3, Town 3 North, Range 16 West.

MORE PARTICULARLY DESCRIBED BY SURVEY AS:

Commencing at the West 1/4 Corner, Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan; thence along the West line of said Section 3 (as previously surveyed) and centerline of 66th

Street, N00°00'16"E 1318.87 feet to the West 1/8 corner of said Section 3 (as previously surveyed); thence continuing along said West line, N00°00'16"E 0.41 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 3; thence along said South line and Centerline of 135th Avenue, S88°55'43"E 2159.52 feet to the POINT OF BEGINNING; thence N00°00'45"W 231.56 feet; thence S88°55'43"E 185.04 feet; thence S00°10'45"E 231.56 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of Section 3 and Centerline of 135th Avenue; thence along said South line and Centerline, N88°55'43"W 185.04 feet to the Point of Beginning, being a part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan, containing 0.98 Acres of land (0.84 Acres Net), subject to the rights of the public over that portion as occupied by 135th Avenue

SD-18 & SD-19
(Bloomfield - Mulcahey Tracts)
TAX ID# 03-20-003-045-10 and
TAX ID# 03-20-003-047-00

Parcel 1: The West 200 feet of the South 231.5 feet of the East 270.4 feet of the North Half of the Northwest Quarter of Section 3, Town 3 North, Range 16 West.

Parcel 2: The South 312.5 feet of the East 27-3/5 rods of the Northeast Fractional Quarter of the Northwest Fractional Quarter, of Section 3, Town 3 North, Range 16 West. Except the West 385 feet of the South 231.5 feet.

ALSO EXCEPTING that portion conveyed to the State Highway Department in Liber 254, Page 612.

MORE PARTICULARLY DESCRIBED BY SURVEY:

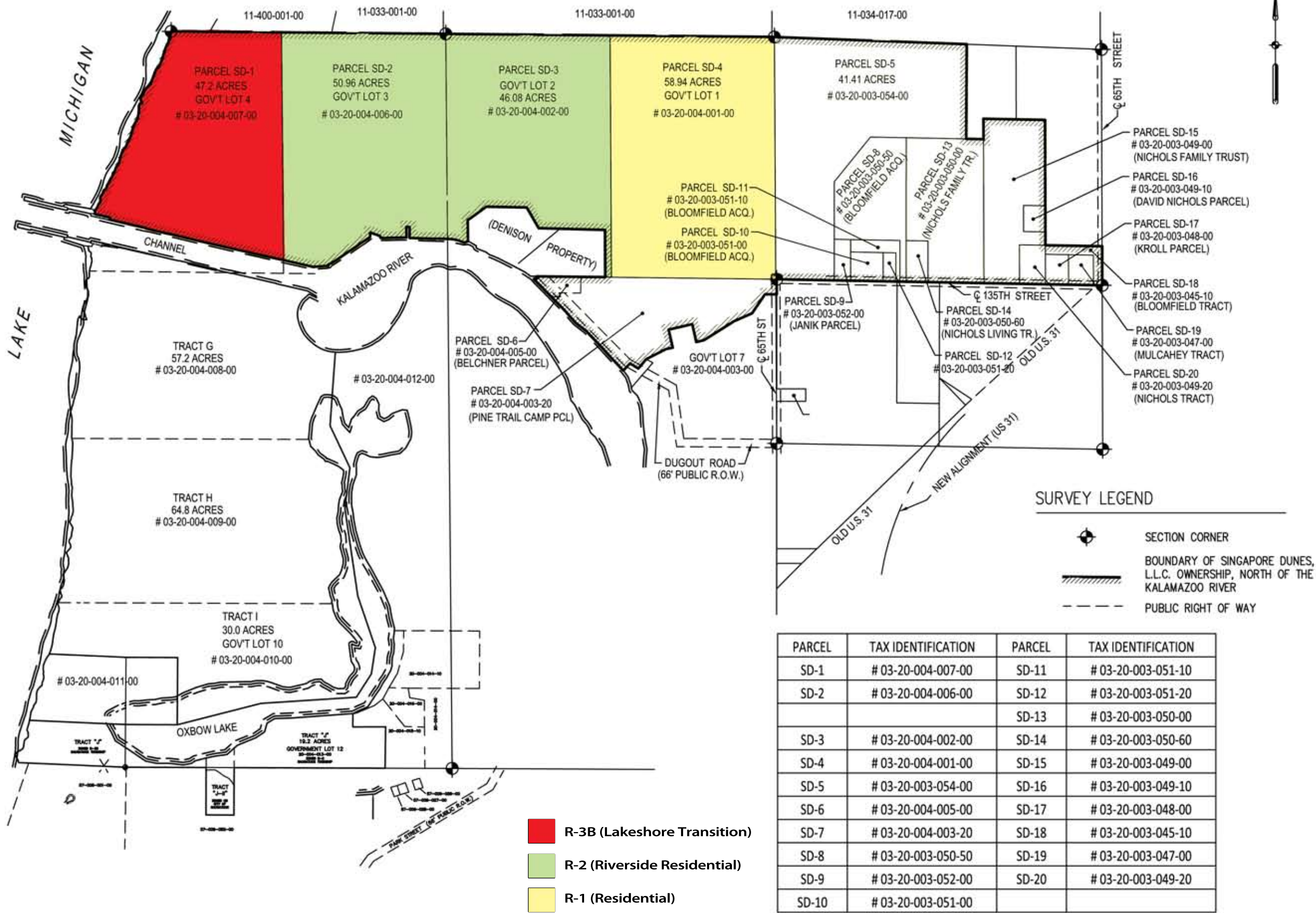
Commencing at the West 1/4 Corner, Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan; thence along the West line of said Section 3 (as previously surveyed) and centerline of 66th Street, N00°00'16"E 1318.87 feet to the West 1/8 corner of said Section 3 (as previously surveyed); thence continuing along said West line, N00°00'16"E 0.41 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 3; thence along said South line and Centerline of 135th Avenue, S88°55'43"E 2344.56 feet to the POINT OF BEGINNING; thence N00°10'45"W 231.56 feet; thence N88°55'43"W 185.04 feet; thence N00°10'45"W 81.02 feet; thence S88°55'43"E 455.40 feet to a point on the North-South 1/4 line of the Northwest fractional 1/4 of Section 3 and centerline of 65th Street; thence along said North-South 1/4 line and centerline, S00°10'45"E 237.72 feet to a point on the Northwesterly line of US 31 (Blue Star Highway); thence Southwesterly along said Northwesterly line, 113.94 feet along the arc of a 3869.83 foot radius curve, concave left, through a central angle of 1°41'13", and a chord which bears S49°59'56"W 113.93 feet to a point on the South line of the North 1/2 of the Northwest fractional 1/4 of Section 3 and Centerline of 135th Avenue; thence along said South line and centerline, N88°55'43"W 182.84 feet to the Point of Beginning, being a part of the North 1/2 of the Northwest fractional 1/4 of Section 3, T3N, R16W, Saugatuck Township, Allegan County, Michigan, containing 2.20 Acres of land (1.86 Acres Net), being subject to the rights of the public over that portion as occupied by 65th Street and 135th Avenue

Exhibit B to Consent Judgment and Final Order

Prior Zoning Classifications of SD-1, -2, -3, and -4

Exhibit B to Consent Judgment in Singapore Dunes, L.L.C. vs. Saugatuck Township, USDC - WD Michigan, Case No. 1:10-CV-210

PART OF SECTIONS 3 & 4, T3N, R16W, SAUGATUCK TOWNSHIP
ALLEGAN COUNTY, MICHIGAN



SINGAPORE DUNES, L.L.C.

EXHIBIT A TO CONSENT
JUDGEMENT IN SINGAPORE
DUNES, L.L.C. VS. SAUGATUCK
TOWNSHIP, USDC - WD
MICHIGAN, CASE NO.
1:10-CV-210.

Owner:
SINGAPORE DUNES, L.L.C.

JJR landscape architecture
planning
urban design
civil engineering
environmental science
JJR, LLC
110 MILLER AVENUE
ANN ARBOR, MI 48104
734.662.4457 T
734.662.0779 F
www.jjr-us.com

ISSUED FOR	DATE
CLIENT REVIEW	5/17/2011
CLIENT COMMENTS	5/24/2011
CLIENT COMMENTS	5/26/2011
CLIENT COMMENTS	7/5/2011
CLIENT COMMENTS	7/13/2011
DENISON PCL EXCL.	7/18/2011

DRAWING TITLE
EXHIBIT A

ISSUE DATE
05/17/2011

SCALE
1"=800'

PROJECT NUMBER
24730.000

DRAWING NUMBER
VP-101